Mr. Made Gowda.—

Are they aware that the grass grown on the farm is unfit for consumption by horses ?

Second Member of Council.—

The matter has been recently gone into by me. The grass grown there is said to be not very good. That is why the farm wants some more Kaval lands.

Mr. Made Gowda.—

Why should available lands be given away for cultivation and extra lands gone in for ?

Second Member of Council.—

That is because the land will become more fit for growing grass later on, if brought under cultivation now.

At this stage, certain members said that even though questions were sent very much in advance of the session, many of them were not answered at all.

Dewan.—

Efforts will be made to answer all the questions as far as possible.

RESOLUTIONS.

Resolution No. 1.

MR. A. NARAYANA IYENGAR (Hassan Taluk) moved the following resolution :—

" That this Assembly recommends to the Government of His Highness the Maharaja that suitable legislation be undertaken to do away with capital punishment in the State."

In doing so, he said that capital punishment related to offences falling under only two sections of the Indian Penal Code, *i.e.*, for (1) murder, and (2) waging war against the King. Fortunately in Mysore, there was no instance of the latter kind. But of the former, there were many.

The main idea of punishment was to reform the person punished so as to prevent him from committing further offences. Punishments fell under four classes, *viz.*, (1)

retributive, (2) reformative, (3) deterrent and (4) preventive. Of these, capital punishment was awarded only in the case of the first. In this mode of punishment, there could be no question of giving scope to the culprit to reform himself. So, it was not useful to society at large. If it was contended that capital punishment prevented further murders, he asked why there should be so many murders in different parts of the country when punishment had been meted out in many cases. It had thus to be inferred that both these theories did not attain their object. The member therefore suggested the substitution of transportation for life and he had no objection even to increase the period of imprisonment to a considerable extent. That would give the offender some scope to feel for his action and reform himself. As a matter of fact, persons accused of murder and sentenced to long-term imprisonments, generally made up their minds never to repeat the crime. It was the duty of Government, which was in the position of a parent, to give all reasonable chances even for such offenders to rectify themselves. The mere awarding of capital punishment by no means added to the prestige of the Government. On the other hand, it reduced the population of the country needlessly.

The member referred to legislative measures taken by many Western countries with a view to do away with capital punishment. He requested that similar action be taken in this State also. He also hoped that Mysore being the Model State, action in this respect would be taken here, before the same was done in British India.

MR. R. GOPALASWAMI IYER seconded the resolution and said that capital punishment was a misfit in these changed times. He did not see why this punishment should be given in the case of one particular offence when it was not done in the case of forgery, dacoity, pick-pocketing and other offences. He said that if a man was hanged, there was no question of his reforming himself and perhaps be of some service to the country.

With regard to a possible argument that a murderer naturally deserved to be hanged, he said that courts of law were after all human institutions and it could not be seriously asserted that judicial judgments based on the evidence adduced were always infallible. Very often a real culprit, if assisted by very strong defence, escaped punishment. Similarly, a person charged for murder, perhaps without sufficient grounds, might be sentenced to death simply because he could not command this facility. Thus, justice

might miscarry in some cases ; and once a man was unjustly hanged, there would be no chance of reparation even if it became known later on that he was innocent. On the other hand, if one, on whom a charge of murder was definitely established, was simply put in jail, there might come a time when he would realise his folly and determine to become a reformed man. He said that, as a matter of fact, this was the case in the Bangalore Central Jail, of which he was a visitor. There were varying degrees of dignity and status even among criminals, and in the Central Jail, persons who had been charged for murder, made very good Warders. Some of them, in fact, had so reformed themselves as to be able to teach the Bhagavad Gita to other convicts.

In the generality of cases, murder was the result of a momentary impulse, and there was no justification to award capital punishment in such cases, more especially in the case of women.

The experience of Western countries showed that abolition of capital punishment would result in decrease in the number of murders. In England, a committee was considering this very question and the Mysore Government would do well to consider its recommendations as well as the law obtaining in other Western countries.

There were definite circumstances that led to murders. There was a thing like influence of seasons upon personal conduct and it had been noticed that a large number of murders were committed in the months of March and April. Because those were the months when the persons, intending to commit the offence, would have money enough to pay their defence counsel. Similarly, murders were committed during nights with enough moonlight to help them to escape. Again, particular places were specially noted for the commission of these offences, and murders were not common in all taluks and in all districts. These were some of the points requiring serious study. The member hoped that the Government would take these into consideration, as well as the practices and opinions obtaining in other countries, and take needful action to abolish capital punishment. He was, however, of opinion that persons guilty of premeditated and cold-blooded murders should be hanged.

DHARMAPRAVARTHA M. L. NAGAPPA SETTI said that murder was the result of sudden emotion, and a man committing it might or might not know all the consequences of his action. There was some justification to send a man to the gallows for deliberate murder. But cases of

deliberate action were very rare. If for the offence of murder a person was hanged, the Government would be anticipating God's decree. It might be that in some cases justice miscarried due to various reasons, and in such cases the Government would be committing a serious sin and be answerable to God. There was no doubt that every offender deserved to be punished. But by putting an end to the life of a man even for murder, the Government would be sacrificing a person who might as well be given a chance to repent and reform himself and perhaps serve the country in some way in course of time.

MR. B. S. PUTTASWAMY opposed the resolution and said that capital punishment was not intended for all kinds of offences. A man with the slightest touch of humanity would never make up his mind to commit murder even in the worst of temper. In fact, once a man fell a slave to momentary impulse, he always stood that risk. If such a man was simply put in jail for a time and then released, he was certain to commit murders again.

With regard to the suggestion of certain members that capital punishment be substituted by transportation for life, he asked what advantage society would derive, if the man was put in jail for all the rest of his life. The most sacred of all the possessions of man was life, and a person, who did not hesitate to remove that, was the last to deserve any consideration. The sooner, therefore, such persons were put an end to, the safer would society be. He did not think that in the present state of society, retributive justice could at all be dispensed with. The member added that more than one taluk in his own district was noted for the commission of this offence and the speaker was sorry to note that a majority of persons committing it belonged to the Lingayet community. Lingayets generally shuddered at the sight of a sheep or goat being butchered and when some of them committed such a heinous offence as murder, there was no possibility of making a regular study of this particular crime and enunciate definite or standard theories. If capital punishment was done away with, it would only encourage more persons to join the ranks of offenders. Much was said about legislative action taken in Western countries in regard to this matter; but his opinion was that it was more a matter of intellectual discourse than of serious effort to put an end to the crime itself. For these reasons, he was not in favour of taking up the question for a long time to come, or at any rate, until the people as a whole were sufficiently educated.

MR. GURUSWAMY GOWDA agreed with the previous speaker in that capital punishment was necessary in all cases of cold-blooded murder. He said that in olden times murderers were hanged publicly so as to deter others from committing the offence. At the present time, however, this was done in secret and the general public had no idea of it. He was certain that, if any person witnessed this process, he would neverdo a thing involving such a horrible punishment.

MR. H. C. DASAPPA supported the resolution. He argued that in all such matters the presumption should be that no soul was beyond redemption. All philosophers preached so, and the Government also must grant it. If that was not the case, capital punishment could as well be awarded for every kind of offence. He did not think that capital punishment awarded to one murderer would deter others from committing the offence. A man, who was on the point of committing it, could never be expected to calmly discuss the *pros* and *cons* of his action within himself. Murder generally was committed on a sudden resolve, and if, instead of hanging him for that one weakness, he was put in jail and a healthy environment afforded, he would surely reform himself in course of time. There was nothing to indicate that all murderers were irredeemable.

Again, as soon as a murder was committed in any place, the usual factions would set up one group of persons to give evidence so as to get a certain person hanged, while another group would try to incriminate another man. And however just the magistrate might be, in view of the evidence as let in, the guilt might be traced to a wrong person. In such cases even if the real culprit was traced at a later date, law could do nothing to restore to life a man who would have been hanged in the meantime. Apart from the legal aspect of the matter, the member appealed to the Government to give a moment's thought to all the inconveniences and indignities that the family of the person hanged would be subjected to under the present condition of society.

The member referred to the changing times when it was necessary to take a broad view of things. When other countries were taking action to abolish capital punishment, it was but right that the Model State of Mysore should do something in the same direction.

MR. J. MAHOMED IMAM characterised a sentence of death as a legalised murder and as a relic of by-gone days. In ancient times death sentences were passed even for less

heinous crimes. But times had since changed and at the present day death sentences had not brought about any appreciable decrease in the number of murders. It was common knowledge that, at the time of committing a murder, the culprit became temporarily insane.

THE FIRST MEMBER OF COUNCIL said that that statement was not always true as there were a large number of professional poisoners and those who committed murders deliberately.

MR. MAHOMED IMAM continuing said that no human being had any right to take the life of another man. As such, he said that it was not right that a judge should be empowered to award capital punishment to a man who committed a murder during a state of temporary insanity. The object of punishment was to effect improvement or reform in the person; but in the case of a man who was sentenced to death, there would be no room for such reform at all. Instead of sentencing him to death, it would be far better to curtail his liberty or transport him for a large number of years.

MR. M. S. LINGE GOWDA referring to the arguments of Mr. Gopalaswamy Iyer said that it was not always true that cold-blooded murders were committed only in April or May, when raiyats were expected to have large cash with them after the reaping of the harvests. As an instance in point, he referred to a recent day-light murder near Chennapatna which was quite cold-blooded. Although Mr. Gopalaswami Iyer started by supporting the resolution, he modified it by saying that he had no objection to capital punishment being passed on persons committing cold-blooded murders. The speaker's own opinion was that persons who were capable of committing murders were past all reformation and their existence was a menace to organised society. Even during the Ramarajya, capital punishment was in vogue and it was said that people were decapitated in public squares and that very many people were trampled under the feet of elephants. The only reform, if one was called for, he thought, lay in the manner of executing the capital sentence. In that respect he thought that the practice of electrocution that was being practised in the West might be usefully adopted.

MR. B. P. BASAPPA SETTY while supporting the mover said that even with the sentences of death awarded in very many murder cases, heinous crimes had not decreased perceptibly. The crime of murder was due to grave

provocation caused by various causes and it was the duty of all civilised Governments to reform such criminals instead of awarding capital punishment to them. In the Ceylon Legislative Council, the speaker said, a similar resolution had been passed, and he prayed this Government to accept the resolution under discussion and give a lead to other countries who were so far tardy in introducing this desirable reform.

MR. HOSAKOPPA KRISHNA RAO supported the resolution. He said that human life was very valuable and Government should see that no life should be lost if it was possible to save it. If one man killed another for some reason or another, there would certainly be the loss of one life. But he did not see why another valuable life should also be sacrificed to expiate the sin of a previous murder. Various theories were evolved for and against the resolution. The most important point to be considered in connection with the resolution was whether it would be *dharma* to sacrifice a man for a crime committed by him if it was possible to save and reform him. *Ahimsa*, he said, was in itself a great *dharma* and if a man went against it, he did not see why the Government should also commit *adharma* by passing on him death sentence. The main reason at the bottom of passing a death sentence was ordinarily retributive justice. He thought that such a kind of administering justice should not be undertaken by Government. However much such a law was necessary in a particular condition of society, those same conditions did not exist at the present day. The law courts proceeded entirely upon the evidence tendered in any particular case. A judge might be morally convinced that a man was quite innocent, although, if he proceeded upon the evidence, he had to convict the man. In such a case, he had no alternative but to pass the sentence of death upon him. Similarly, when a judge was convinced that a man was guilty of murder, the evidence on record would be quite insufficient to convict him upon that charge, with the result that the criminal would be set at liberty. If a man were once sentenced by a judge to death and the sentence had also been executed, and if later on, it was found that the man was quite innocent of the crime, nothing could be done. All these difficulties would be avoided if the man's life was spared and adequate steps taken to reform him and make him once again a respectable being fit for society. He referred in this connection to a recent case in Scotland where a man had been sentenced to 20 years' penal servitude

and about the end of his term he was found by the Home Office to be quite innocent. There might be a large number of similar cases where such kind of things might have occurred and it was the duty of Government to consider calmly and see whether they could not do away with the capital punishment altogether and resort to more humane methods of punishment.

MR. G. CHANNAPPA did not agree with Mr. Puttaswami in the statement that no reformatory theory could be applied in the case of a murderer. The very principle underlying the resolution was that a murderer also might be reformed and made fit to live in society. He pointed out that criminology was also a kind of disease and that it was possible to remedy it by means of operation or other processes. It was because the reformatory theory had not so far been applied to the case of a murderer that the mover wanted Government to apply it hereafter at least by abolishing the practice of awarding capital punishment. He did not think that there was any class of people who were by nature murderers. If that were the case, the question of deterrent sentences would frustrate the very object of passing them. It was necessary to proceed on the assumption that all human beings could be reformed by applying suitable tests. Murders were in most cases committed in a moment of impulsive passion, although here and there, they might be pre-meditated. Yet, on the whole, it was quite possible to bring the culprits to the influence of reform. If, on the other hand, such people were altogether removed from earthly existence by means of death sentences, there would be no room for practising any kind of reform on them and lives would have been lost in vain. The Government should not resort to retributive justice in murder cases at all for the simple reason that it was not one of the objects of the State. For these reasons he supported the resolution.

MR. T. MADIAH GOWDA said that in the previous day's discussion a lot was said about taking out licenses to kill tigers and wild animals. People who spoke in favour of the resolution forgot that all life was the same and that the life of a human being was as valuable as any other life. If people found a venomous serpent, nobody thought its life should be saved; but it would be instantaneously killed. Similarly, murderers were those who had abnormal tendencies which disturbed the peace and tranquillity of the society. People showing such tendencies and giving vent to them freely should be dealt

with rigorously. In his opinion, murderers were past any reformation and their lives should be ended as soon as possible after they were convicted of the offence of murder. A man who committed a murder quite unmindful of the result both upon the victim as well as upon himself was not fit to live in an ordered society and must be dealt with according to law which required that he should be hanged. He, therefore, opposed the resolution.

CAPT. Y. V. AYYA also opposed the resolution. He was of opinion that as civilisation increased crimes also were on the increase. Even in the West people who committed murders in a state of so-called temporary insanity were ordinarily hanged.

MR. CHALUVAYYA strongly opposed the resolution. He thought that if capital punishment was removed, murders were bound to increase for the simple reason that the murderers would have only to undergo imprisonment and nothing more.

THE LAW SECRETARY TO GOVERNMENT stated that the object of the resolution required the deep consideration of the Assembly. Even in Western countries there was a lot of agitation for the abolition of capital punishment. No final decision had yet been arrived at. It had also been found that in countries where capital punishment had been abolished, murders had increased. For example, in Austria in 1913, before the War, there were 21 murders; after the War they rose to 65 in 1927; and to 97 in 1928; and to 111 in 1929. He also said that the Government there were considering the desirability of reviving capital punishment.

In reply to a question from Mr. M. L. Nagappa Setty, the Law Secretary to Government said that the population of Austria had also decreased after the War; and judging from that stand-point, heinous crimes had considerably increased in Austria. In any case, he said that there was considerable difference of opinion in regard to capital punishment. It was a debatable question even in England. In 1922, a similar motion as was moved in the Assembly was brought up in the House of Commons. It was merely talked out. Again, it was brought up successively in 1928 and 1929; and in the latter year a committee was appointed and discussion was proceeding. Even in that committee there was said to be considerable difference of opinion. Lord Darling, one of the prominent members of the committee, was strongly of opinion that capital punishment should be abolished. Several eminent members of the Bar were not

only writing newspaper articles on the subject but essay competitions were also announced, thus inviting opinions from all quarters for and against the practice. He therefore thought that before that committee came to a final decision, it was not prudent to go ahead in Mysore. He also explained that under the present law, the judge could exercise his discretion in awarding death sentences. It was not incumbent at all, that in every case of conviction for murder, the judge should pass a death sentence. There was considerable amount of discretion allowed to him to take a more liberal view. After all, he said, the number of murders committed in Mysore was not so much as to call for any particular action as was suggested in the resolution. In 1926-27, he said that there were no death sentences at all and in the next two years, the number was only 8 and 6, respectively. In the circumstances, he said it was safer to postpone the consideration of the matter for some time longer.

The resolution was thereupon put to vote and lost, 88 members voting for and 98 against.

Resolution No. 2.

MR. H. B. GUNDAPPA moved the following resolution:—

"This Assembly recommends to the Government of His Highness the Maharaja that a committee of officials and non-officials be appointed to investigate the position of various communities in the different grades of gazetted and non-gazetted appointments of State Service after the order on the Miller Committee Report and to suggest suitable remedial measures for securing adequate representation to various communities in proportion to their population."

In doing so, he said that this resolution consisted of two parts: (i) the appointment of a committee of officials and non-officials to consider what improvement was made in the representation of backward classes in the public service after the order on the Miller Committee Report was issued, and (ii) if the representation was found to be inadequate, what steps should be taken to remedy the defect.

The Miller Committee Report stated that the Non-Brahmin representation in the public service was quite inadequate and that within a course of seven years, it should be appreciably improved. It was now about 8 or 10 years since that report was issued and if one looked at the results so far achieved, it would be seen that there was

no appreciable improvement at all. It was on account of this that time after time questions connected with the representation of backward communities had been brought up in the Constitutional Assemblies in the shape of representations, questions and resolutions. In reply to Interpellation No. 59 on the agenda of this session, Government themselves had given a statement showing the number of appointments on Rs. 250 and above held by the members of some of the communities. From this it is seen that, for a population of about 14 lakhs, Vokkaligars had only 14 appointments and Lingayets with a population of 7 lakhs had only 17 and Brahmins and Mahomedans with a population of only 3 lakhs each got as much as 350 and 32, respectively. That list showed that the representation of several communities was not proportionate to their population. Every backward community at present tried its best to give its boys education and was longing to get them into public service. But, as a matter of fact, Government did not care for their aspirations. Resolutions had been brought up at several sessions for the appointment of a whole time officer to the Recruitment Board and for the establishment of a Staff Selection Board and also for the adoption of the Rotation System as in vogue in Madras. But Government did not take any action on any of those resolutions. The present resolution was a very fair and simple one. It merely requested Government to appoint a committee to find out ways and means to improve the representation of every community in the public service. It had no reference to giving appointments to any particular community. Among the communities, there were major and minor ones; they should all be separated and appointments given according to their strength.

Speaking of the Vokkaliga community, it was observed that no candidate from that community was selected for the Revenue Probationer's post last year. This community formed the bulk of the cultivators of the State and paid the largest assessment—about three-fourths of the entire revenue —and yet Government did not think of giving it adequate representation. He would like to know how many Assistant Commissioners there were among the Vokkaligas. There was here and there just one man as a sample in certain departments. There was no dearth of educated men among the Vokkaligas and yet Government were very tardy in choosing them for any appointments. He did not think that such a state of things could continue

any longer. There should be some standard or policy in the system of making appointments to the State Service. If suitable action was not taken by Government to improve the representation of the Vokkaliga community and also of the several other major and minor communities, there would be no end of questions and resolutions coming up year after year on the same subject and there would be considerable dissatisfaction among the bulk of the population. It was just possible for Government to say that representation could not be improved suddenly and it would take time. But in the opinion of the speaker it was quite possible for Government to promote people who were already in the service, whenever there was a vacancy in the higher grade and thus equalize representation. For these reasons, he thought a complete stock of work so far done by the Central Recruitment Board in carrying out the orders on the Miller Committee Report should be taken and if there be any deficiency in the action taken by them, suitable measures should be devised to improve the pace of representation as early as possible. To investigate into all these matters, a committee was quite necessary and he commended the resolution to the acceptance of the House and Government.

MR. V. VENKATAPPA in seconding the resolution said that if appointments were made on an equitable basis giving representation to the several communities according to their population, much of the misconception at present existing in the minds of the people would be removed. Government should have a settled policy in this matter. The order on the Miller Committee Report did not function properly. Heads of departments circumvented that order to suit their own idiosyncracies. They very often called for much higher qualifications in prospective candidates than were required for any particular appointment in order to prefer the persons whom they had already in view. Some of the expedients employed by departmental heads were insufficient advertisement, appointment of certain people in temporary vacancies and making them permanent by some means or other and the like. Vokkaligas were not sufficiently represented in the public service. Nor did the Government do anything to improve their present representation. Even in the matter of direct nomination to higher appointments, the claims of that community were not considered. There were similar drawbacks in regard to the other communities also. In order to investigate into all these matters, the committee proposed in the resolution was necessary.

MR. D. S. MALLAPPA in supporting the resolution said that the rules of recruitment adopted in 1919 referred only to appointments to non-gazetted ranks and even these were not properly given effect to. Although heads of departments generally went against those rules, no disciplinary action had been taken against such erring officers. Backward communities also had a very keen desire to serve the State and there was quite a good number of very able and educated men among them fit for Government service. It was the duty of Government to absorb these men and give them an opportunity to show their mettle. It was the common experience in British India that representation of Indians in the Government service could not appreciably improve unless the heads of departments were replaced. Similar conditions, the speaker thought, had arisen in Mysore. He pleaded for better representation to all communities in the military service as well.

He was of opinion that until the existing Recruitment Rules were properly examined and given effect to, it was impossible for the backward communities to improve their representation. It was the Government that was responsible for the differences between the Brahmin and Non-Brahmin communities. In Madras, such differences had lately been obviated by revising the Recruitment Rules so as to provide for appointments being given to the various communities by rotation. The effect of this had been to bridge the gulf between Brahmins and Non-Brahmins. The Justice Party also lately removed the ban on the entry of Brahmins into their party. Anybody could see that certain communities alone in Mysore got a share in the Government service while others got nothing. In his opinion, it was necessary to bring this state of affairs to a head and find out what impediments there were in the way. For these reasons, he supported the resolution.

DHARMAPRAKASA D. BANUMAYYA, the next speaker, pointed out that even among Vokkaligas there were several sub-sects and Kunchitigas, who were now included among the Vokkaligas, numbered about 4 to 5 lakhs; and the cause of this community as a separate entity did not receive the consideration of Government at all. The term "Vokkaligas" was a common name applied to all cultivators and it was wrong to bring in Kunchitigas and similar other cultivators under that common name of Vokkaligar. Kunchitigas should be separately considered from Vokkaligas and members of that community should be given adequate representation in Government service.

CAPT. Y. V. AYYA observed that the Recruitment Board was constituted as a result of the orders on the Miller Committee Report. He characterised this Board as nothing but a post office having no power to appoint candidates in vacancies advertised by them. At present, several appointments were made by heads of departments contrary to rules satisfying the Recruitment Board by some reason or another. It was also usual for certain officers to give rapid promotions to their favourites on the eve of their transfer. These things, he thought, should no longer be tolerated and the Recruitment Board should be given more powers and entrusted with the duty of making appointments themselves so as to improve the representation of the several communities not adequately represented in the public service. He did not say that efficiency should be sacrificed in making appointments. Even among candidates from backward classes, there were very efficient men who alone need be given appointments.

MR. H. C. DASAPPA began by saying that as long as the Government did not satisfy the aspirations of the people, there would be no end of trouble in regard to this matter. In spite of the incessant demands by the Constitutional Assemblies, the Recruitment Rules had not been changed so as to promote the representation of backward communities. The order on the Miller Committee Report laid down that there should be improvement in the representation of backward communities in a definite proportion within a certain period fixed therein. But unfortunately the report did not give facilities in regard to appointments carrying Rs. 100 and above. The Assembly had been asking time after time for the extension of the rules of recruitment to appointments carrying a salary of more than Rs. 100; but Government did not give heed to their request. Latterly, certain modifications were made to the original order. These modifications were agreed to by the Assembly on the assurance that hereafter at least the rules would be strictly followed. But even then this assurance had not been fulfilled. The Assembly had been asking for a report showing the proportionate increase in the representation of backward communities year after year But Government have not so far granted the request. Unless such a report was made available, it was impossible for the members to gauge the progress made.

Referring to his own community, *viz.*, the Vokkaligar, Mr. Dasappa observed that it looked as though that community was meant only for ploughing the land and paying revenue to Government; but that for purposes of Government

appointments, they were nowhere. There was a large number of Vokkaliga candidates very well educated, longing earnestly for Government appointments; but whenever there was a chance, their cases were not considered. A request was made to include representatives of Lingayet and Vokkaliga communities in the committee for the selection of Revenue Probationers. This request was denied. The backward communities had also a longing desire to take part in the administration of the State. So long as some of the major communities at least were not represented in such special committees, it was impossible to satisfy the grievances of backward classes. Government had all along been tardy in acceding to their request. That showed to his mind that Government were trying the patience of the members. On a previous occasion the speaker had brought to the notice of Government that all the District Sheristedars belonged to one community and suggested that other communities should also be represented. The District Sheristedari was a very important place in the district administration. It may be taken to be a key appointment. Government promised to consider the matter, but so far nothing had been done. There was not a single Deputy Commissioner from among members of the Vokkaliga community. All the key positions were in the hands of a single community. Such a state of things required investigation and unless the system in vogue in Madras of giving appointments in rotation including higher appointments was adopted in Mysore, there would be no end of such resolutions and representations. He therefore thought that a committee to go into all these matters was necessary. He could therefore strongly support the resolution.

At this stage, the Assembly rose for lunch and met again at 3-30 P.M.

MR. MARIAPPA continuing said that this was a most important resolution. The main point involved in it was that an equitable distribution of appointments should be made by Government according to the strength of the population of each community. He assured the House that this was not aimed at the Brahmin community at all. The backward communities had not any intellectual heritage behind them and hence, it could not always be expected that the candidates from those communities would always pass their examinations in the first class. He therefore did not think it proper to prescribe in the beginning at least such high qualifications in regard to appointments where Non-

Brahmin communities were concerned. Referring to the reply to the Interpellation No. 59, he said that it did not specify the number of appointments given to minor communities at all. He thought that it was the duty of Government to see that all communities alike were adequately represented in the public service. If the Government refused to accept the resolution, the House could do nothing. But all that the members would request was that the Government should calmly consider the question and make their best endeavours to satisfy the aspirations of the people.

MR. HANUMANTHARAJU said that the minor communities were under the impression that Government service was their salvation. He therefore thought that Government should show some special favour to such communities and create equal opportunities for them also to enter Government service. To consider all such matters, he thought that a representative committee was necessary.

MR. OOSMAN KHAN was not in favour of the appointment of a committee at all. There was no use in his opinion of taking the population basis for conferring appointments in the Government service. In British India there were only two communities, the Hindus and the Mohammedans, while in Mysore the cry for Government appointments came from a very large number of communities.

With reference to the statements made by several members to the effect that Non-Brahmin communities had several educationally qualified candidates, he said that the educational qualifications were not the only criterion for appointments in Government service, but that there were many other requisites, such as family, physique, special aptitude, etc. He did not think it was possible for the Government to appoint candidates on the score of educational attainments only, straightway to higher appointments. If appointments had to be made, depending mainly on the Census figures, it would be difficult to get any appointments for smaller communities at all. He thought that at present owing to recruitment rules, efficiency in the public service had considerably suffered. Even in Madras, he said, the Brahmins were not denied appointments, while in Mysore they were debarred from being taken to new appointments. He was strongly of opinion that appointments to Government service should be entirely at the discretion of the Government.

MR. B. P. BASAPPA SETTY who followed said that although 8 or 10 years elapsed since the order on the Miller Committee Report was passed, no appreciable advancement had been made in the proportion of backward communities in the public service. There was not a single Non-Brahmin appointed to the District Sheristedari post and more than 90 per cent of the appointments went to the forward community only, leaving the backward communities almost severely alone in spite of the fact that a large number of applications from the latter communities had been received. He thought that if there had been responsible Government in Mysore, there should have been no room for such a state of things. He also stated that in the Iron Works at Bhadravathi, one Non-Brahmin after another had to go back to the general service. In the Irwin Canal Works also, Non-Brahmins were not appointed and even for the Survey Training Class, the applications of Non-Brahmin candidates had not been accepted until an adjournment motion had been raised in the Assembly. There were several cases also where vacancies had not been properly advertised or no sufficient time had been allowed for the receipt of applications.

Referring to Mr. Oosman Khan's statement that efficiency in the public service had gone down very much of late, the speaker said that he did not mean that inefficient men should be entertained, but while there were very efficient men ready for appointments, Government should prefer them. He also complained that all sorts of needless higher qualifications were prescribed for smaller appointments, the result of which was that candidates with the requisite qualifications would sometimes not be available from among the backward communities. It was therefore necessary that Government should safeguard the interests of such candidates and see that such unduly high qualifications were not fixed. He therefore supported the resolution.

THE CHIEF SECRETARY TO GOVERNMENT said that the purpose for which a committee was to be constituted had been variously expressed by different speakers. Some seemed to suggest that a committee was required in order to enquire whether the present recruitment rules were being strictly followed, while others implied that the principles of recruitment stood in need of re-examination, with a view to ensure a more equitable distribution of appointments to members of the various Non-Brahmin communities. Lastly, as an unfailing remedy for all difficulties, it was suggested

that the Madras system of a Civil Service Commission and appointment of candidates from different communities by rotation should be adopted. The Chief Secretary said that the Central Recruitment Board was closely watching the progress made in the recruitment of Non-Brahmins and any departure from the rules was always brought to the notice of the Board. A new committee for doing this work would be a superfluity. With regard to the question of setting apart a separate share of appointments to each of the several communities which were now comprehensively classed as backward, the Chief Secretary said that there were many practical difficulties. Even in Madras, according to the recruitment rules which had been so much applauded by some of the members, Non-Brahmin Hindus constituted a single class and no sub-divisions therein were recognised as a basis for recruitment. Some of the members seemed to think that the appointment of a Service Commission would enable non-official members to participate effectively in the distribution of appointments so that they may help in the removal of the communal inequalities that had been complained of. The Chief Secretary wished to point out that the object of a Civil Service Commission was precisely the opposite of what had been supposed and that the commission was intended to place the recruitment of the public service beyond all political influence and that there would be no room in such a body, if it was ever constituted for any non-official members.

MR. D. S. MALLAPPA thought that the commission in Madras consisted of officers belonging to all communities.

THE CHIEF SECRETARY TO GOVERNMENT replied that the commission was not constituted in that manner. He finally said that a committee such as the one asked for could serve no useful purpose and that Government were unable to accept the resolution.

MR. GUNDAPPA GOWDA in reply observed that he was sorry that the Government did not understand the spirit with which he brought the resolution. The resolution aimed at considering the present position of various communities in the different grades of gazetted and non-gazetted appointments and suggesting any remedies that might be deemed necessary to improve the position. And beyond this he did not mean anything. It was true that there was a Miller Committee Order about securing adequate representation of the backward community people in the public service. But, he was of opinion that now and then it required to be

amended so as to remove any practical difficulties felt in its working. Government themselves saw the necessity for amending it as evidenced by the fact that it had been lately amended so as to reserve 25 per cent of the appointments in the public service for the Brahmin community.

It was held on behalf of Government that the representation of Non-Brahmins had improved since the order on the Miller Committee Report was issued. But he thought that it might be so if menial appointments also were included. The main object of the resolution was to show that the existing representation of the backward community people was quite inadequate and that the manner of making appointments among the Non-Brahmins themselves was faulty. The House gave suggestions at various times for the appointment of a Staff Selection Board, the constitution of a rotation system as in vogue in Madras and for the appointment of a whole time Secretary to the Central Recruitment Board. But none of these suggestions had been adopted by Government. One of the members said that there were only two communities in British India, namely, the Hindus and the Muhammadans, while there was a large number of communities in Mysore. The speaker said that his own opinion was that there were also two communities like that in Mysore, but among those there were a lot of sections which required adequate representation. The resolution was a comprehensive one asking for the representation of all such communities adequately in the public service and if Mr. Oosman Khan thought that the present representation of the Muhammadan community was sufficient, he (the speaker) had no quarrel with him. His own resolution was very modest and if that was not acceptable to Government, he failed to know what else was. He did not see any difficulty in the appointment of a committee of the kind suggested in the resolution. He therefore pressed the resolution to a division.

The resolution was thereupon put to vote and carried by a majority.

At this stage, THE DEWAN said that the adjournment motion of which notice had been given of by Mr. Puttaswamy regarding the payment of water rate for lands below the Rajaparameswari Nala might be discussed as a representation.

Payment of water rate for lands below the Rajaparameswari Nala.

Thereupon, MR. PUTIASWAMY said that ordinarily hot weather supply for the lands under the Rajaparameswari Nala had been allowed for a long number of years without any payment.

THE THIRD MEMBER OF COUNCIL said that it was not a correct statement.

MR. PUTTASWAMY replied that he advisedly said "ordinarily", because, during summer, all water was not given for "ganna" but instead of that, it was given only for growing manurial crops. From 1898 up to the year 1910 three waterings were given free to those lands. In 1910 the Government said that as water was required for generating electricity, further supply of water would not be given free and that they would not also be responsible for any loss occasioned to the raiyats by the stoppage of water. After the reservoir was constructed, the Government then said that a water rate should be given for the supply of water to those lands. This, he said, was itself putting the thin end of the wedge. In the year 1919, there was a special committee appointed by Government in regard to the levy of water rate and the committee issued a questionnaire on the subject. In reply to that, the local people said that water was being given to them for a long time free of cost and that although it was temporarily stopped for a short time, they *were* entitled to the free supply and that the demand for the payment of water rate was therefore illegal. But the Government insisted that the water rate should be paid. In 1926-27, hot weather supply was made and special *pahnis* were prescribed to keep an account of the crops raised. The raiyats again said that they were entitled to a free supply of water according to the *mamool* and that the Government had no power to levy the water rate at all, even though they said that water rate had to be paid by them. The matter ended there although the payment was not actually taken. Later, the Government again said that water would be let in the channel and whoever wanted might take it. It was also said that every raiyat had to pay the water rate. The raiyats upon this vehemently protested by letters as well as by telegrams. Their representations were not however taken into consideration. The Third Member of Council, then the Revenue Commissioner, promised that he would strongly fight on behalf of the people for the relief desired by them. But, suddenly a memo had been received by the raiyats, signed by the Amildar, T.-Narsipur Taluk, asking them to pay

the arrears immediately, failing which coercive measures would be taken for the recovery of the amount due. The speaker said that if the Third Member of Council had really interfered on behalf of the raiyats, as promised by him, such an order would not have emanated from the Amildar. There was already scarcity of rain. The nala had not been kept in an efficient condition for want of funds. The department was not able to supply water even during the rainy season. The amount allotted for the annual repairs of the nala was only Rs. 300 from which the pay of the *sowdies* had also to be disbursed, while the amount sanctioned for clearing the reeds was Rs.1,200. It would thus be seen that there was difficulty in supplying water. During summer, the people did not want water at all. But still the Government wanted to force water on the raiyats and compel them to pay a water rate also, without at the same time granting remission in respect of the lands where no crops were grown in spite of the fact that in similar circumstances a remission had been given in respect of lands under the Madvamantri Channel in 1910. He finally said that the Government had no power to levy water rate and that the people did not care even if no water was given to them.

MR. SADASHIVA MURTHY also said even during the rainy season no crops could be raised for want of adequate supply of water in the nala. The applications of the raiyats for remission also were not considered by Government.

THE DEWAN said that in 1919 it had been laid down, after an exhaustive investigation by a special committee, that water rate should be levied for the hot weather supply.

MR. B. S. PUTTASWAMY questioned that decision which was given behind the backs of the local people. He referred again to the communication from the Amildar dated 24th February 1910, in the course of which an admission was made that no more water would be given as it was required for generating electricity at Sivasamudram. From that it could be deduced, he said, that Government admitted the right of the people to the free supply of water before but that it could not be continued under the special circumstances of the case.

THE DEWAN said that there was a later order on the subject.

THE FIRST MEMBER OF COUNCIL said that the Amildar's communication merely stated that during the summer,

water would not be given and that that communication did not admit the claim of the raiyats for water.

MR. B. S. PUTTASWAMY observed that the raiyats did not claim anything new. If the committee of 1919 had said anything against the claim of the raiyats, that was not binding on the raiyats as their decision was not based on the local investigations. The question of water rate came in only after 1925-26 and not earlier and when it did come, the Government did not even take a *mutchalika* from the people. That showed that the Government had recognised the right of the people.

THE DEWAN replied that a supply of water from a new source had to be paid for.

MR. B. S. PUTTASWAMY said that water was being given free previously to that.

THE FIRST MEMBER OF COUNCIL replied that it was done from a natural source of supply and that there was no right for the hot weather supply under the nala which got its supply from the reservoir.

THE REVENUE COMMISSIONER replying on behalf of the Government pointed out that there were two important points involved in the representation, namely, (1) whether the lands under the Rajaparameswari Nala were entitled to the hot weather supply, and (2) if there was no *mamool*, whether they should pay water rate. According to Mr. Puttaswamy, there was a *mamool hak* for the raiyats and that water should be given to them without any payment. His presumption was mainly based on a notice purporting to have been received from the Amildar in 1910. But the speaker said that from the Government records he was in a position to say that no such *mamool* existed. Neither from the Survey records nor from those of the Public Works Department could a case be made out in support of Mr. Puttaswamy's contention. The Survey records clearly showed that there was no *mamool* for the hot weather supply to the lands under the Rajaparameswari Nala. A perusal of the gauge readings also showed that water going to the nala during summer was very little. After all, the notice referred to by Mr. Puttaswamy was a general one. It meant that whichever land had a *hak* for water, such lands would be given such supply and it did not hold out any promise for the recognition of any new *haks*. On the merits of the case, the question of *mamool* was finally set at rest under the order of 1882. In 1902, there was another order issued in which what constituted *mamool* and

what constituted *non-mamool* were clearly explained. And the same principles had been enumerated again in the order of 1919 also. It had also to be noted that the Rajaparameswari Nala was below all the other channels. At no time the lands under it were given hot weather supply according to *mamool*. Even from the Settlement records, it could be clearly seen that free hot weather supply was not conceded.

MR. PUTTASWAMY asked whether the committee of 1919 was an official committee or whether there were non-officials also on it.

THE REVENUE COMMISSIONER replied that there were non-official members also in it. The committee observed, he said, that:

> "free supply of water for manurial crops should be given for wet lands outside the area selected for summer irrigation. But the Chief Engineer is against it."

It also said that a rate not exceeding one rupee might be levied in case the extra rate was deemed necessary for such supply given to *non-mamool* tracts. The Government in 1919 then ordered that water rate should be levied, that three waterings should be given at one rupee for each watering and that it should be made known to all the raiyats. It had also to be borne in mind that water was given only when it was available. Till the end of 1924 there was no water. The question of watering came only in the year 1925-26. It was not compulsory then. It was said merely that whoever wanted water would be given. But, in the year 1928, it was thought that it was not possible to say who asked and who did not ask for water and Government then said that water would be let in during the summer and that water rate should be paid. In the year 1929, some people said that they did not want water. Then the Government said that if two-thirds of the landholders asked for water, then water would be let in. It was then learnt that no one wanted it. So, in 1930, no water was let in. It would be seen therefore that in 1902 alone it had been settled that the lands below the Rajaparameswari Nala comprised a *non-mamool* area. In the year 1919 this was confirmed and a notice was given to every raiyat that for manurial crops water rate should be paid. Mr. Puttaswamy's contention was that for four years nothing was done and at the end of that period arrears of water rate were demanded. That was because the people had been disputing the claim and so it was decided that the claim

should be enforced. That was why strict notice had been issued by the Amildar. The speaker said that it was not clear to him why water should be given free to a *non-mamool* area, especially when it was to be given from the storage reservoir which was constructed at a cost of over four crores of rupees.

MR. B. S. PUTTASWAMY in reply said that he did not base his claim on the letter of the Amildar or of the Chief Engineer. But what he said was that from the tenor of the Amildar's notice, it could be understood that Government accepted the *mamool* in favour of the raiyats. It meant that the notice was only a precautionary measure against damages being claimed by the raiyats for the sudden stoppage of water. This opinion, he said, was strengthened by the fact that the Deputy Commissioner gave the order in accordance with the instructions of the Chief Engineer.

THE REVENUE COMMISSIONER observed that the raiyats had no claim.

MR. B. S. PUTTASWAMY replied that the notice given by the Amildar clearly established their claim.

THE FIRST MEMBER OF COUNCIL pointed out that if only Mr. B. S. Puttaswamy read the order of 1888 published in the Revenue Manual, the position would be quite clear to him.

MR. B. S. PUTTASWAMY represented that in any case the raiyats utilised the water without full knowledge of the facts. He requested that the payment of the arrears under these circumstances should not be insisted upon and that a stay order might be issued immediately.

THE FIRST MEMBER OF COUNCIL said that in 1926 a notice had been given by the Deputy Commissioner saying that the raiyats were liable to pay.

MR. B. S. PUTTASWAMY replied that the raiyats were under the impression that they had a right to the free supply and that the Deputy Commissioner's order was in contravention of that right. They therefore protested against the demand. The orders of Government thereon were received only recently rejecting their claim. If the same order had been communicated even peremptorily then and there, they would have paid it long before this time.

THE DEWAN said that for the first two years during which water was given and was used by the raiyats, it was not possible to waive the claim for the water rate and that for the next two years there were no definite records to show who utilised the water and who did not. What

consideration, if any, might be allowed for the latter period might be examined.

MR. B. S. PUTTASWAMY said that in 1925-26 and 1926-27 the raiyats took only one watering for the reason that manurial crops required only one watering. For that, he said the department must take only Re. 1 and not Rs. 2.

THE DEWAN replied that it was reported that two waterings had been given.

MR. B. S. PUTTASWAMY protested that that was impossible as two waterings would altogether spoil the manurial crops.

THE DEWAN said that the question of reducing the rate for the 2 years would be considered. But, for the other two years, he said that the raiyats had to pay.

MR. B. S. PUTTASWAMY requested that the arrears for 1925-26 and 1926-27 might not be asked immediately and that the raiyats should be permitted to pay it during the next collection season and that for 1927-28 and 1928-29 the entire claim should be excused.

THE DEWAN finally replied that for the first two years a demand at the rate of Rs. 1-8-0 would be made which might be paid along with the next *kist* and that for the other two years, only half the rate would be demanded.

The next question which formed the subject of an adjournment motion related to the proposal to hand over the management of the Bangalore Central Book Depot to private agency.

MR. H. C. DASAPPA enquired whether there was any such proposal.

THE SECOND MEMBER OF COUNCIL replied that there was no such proposal.

MR. H. C. DASAPPA next stated that there was an order recently passed to the effect that all educational publications should be printed in private presses and that the sale of such publications also should be given to private agencies. He requested that in executing the printing work of these publications, all private presses should as far as possible be patronised.

CAPT. Y. V. AYYA also expressed the same opinion and said that the new arrangement should be given wide puplicity for the information of the public.

MR. RAMASWAMY said that it was necessary to encourage private presses but his only fear was that as the printing work was executed by private presses, the cost of the publications would increase.

THE DEWAN said that there was no foundation for any such fear and that the printing and sale of the publications would be regulated by contracts.

At this stage, the Assembly adjourned for the day to meet again the next day at 12 NOON.